

**Remarks:**

Claims 1-7 and 23-30 are currently pending in the application with claims 1 and 24 being independent.

In the Office Action, the Examiner rejected claims 1-4, 23-27, and 30 under 35 U.S.C. § 102(b) as being anticipated by Mola et al., U.S. Patent No. 6,125,030. The Examiner also rejected claims 5-7 and 28-29 under 35 U.S.C § 103(a) as being unpatentable over Mola in view of Funk et al., U.S. Patent No. 6,681,176. Applicant respectfully submits that the currently pending claims distinguish the present invention from Mola, Funk, and the other prior art references of record, taken alone or in combination with each other.

Claim 1 recites “a portable navigational device” and “a mounting assembly for mounting on a support pillar of the vehicle and sized and configured to removably receive the navigational device, ***wherein the navigation device remains visible when received within the mounting assembly*** and is functional as a navigation device both when received within the mounting assembly and when being used independently of the mounting assembly,” emphasis added. Claim 24 recites “a stand-alone hand-held portable navigational device” and “a mounting assembly for mounting on an existing support pillar of the vehicle and sized and configured to mate with the support pillar and removably receive the navigational device, ***such that the navigation device remains visible and fully functional when received within the mounting assembly***,” emphasis added.

Mola discloses an overhead console that is specifically designed to hide his navigation unit. *See* Abstract. When Mola’s door is open, his navigation unit is not within his console. Only when Mola’s door is closed is his navigation unit within his console. However, in this state, Mola’s console is specifically designed to hide his navigation unit. Mola’s entire invention is designed to hide his navigation unit. *See* Abstract. Thus, Mola explicitly teaches away from the claims. As a result, the present rejections cannot be sustained.

In responding to the above arguments, the Examiner asserts that “received could mean attached to the hinged door ... not necessarily closed into the roof as applicant is suggesting.” Page

2 of the July 19, 2007 Final Office Action. However, such as argument ignores the plain meaning of the language of the claims.

Specifically, claim 1 recites “wherein the navigation device remains visible when *received within* the mounting assembly,” emphasis added. There is a fundamental difference between “received within,” as described in the present specification and claimed in the claims, and ‘attached to’, as shown in the cited prior art. For example, the Encarta® World English Dictionary, North American Edition defines ‘within’ as “used to indicate that somebody or something is inside or enclosed by a place, area, or object.” Merriam-Webster's Online Dictionary, 10th Edition, defines ‘within’ as “in or into the interior.” The American Heritage® Dictionary of the English Language defines ‘within’ as “In or into the inner part; inside.” These definitions are consistent with the description in the specification, illustration in the drawings, and usage in the claims. In contrast, the only position Mola describes, in which his device would be “enclosed,” “in the interior,” or in any way “inside,” would be his closed position shown in Figure 4. Therefore, Applicant’s arguments are consistent with the present specification, common usage of the claim language, and the prior art’s explicit teachings.

Furthermore, as discussed above, Mola’s entire purpose is to hide the device when received within his mounting system. *See* Abstract. Finally, any modification of Mola, to make his device visible and/or functional when “received within” his mount would necessarily defeat his explicit purpose. Thus, Mola neither discloses, suggests, or makes obvious the currently pending claims.

Claim 4 recites “a docking station mounted within the base” and “a retractable face plate mounted within the docking station.” Claim 27 recites “a docking station mounted within the base and designed to conform to the shape of the navigation device.” The Examiner asserts that Mola’s unnumbered cavity “seems to” meets this limitation. Page 2 of the July 19, 2007 Final Office Action. However, a cavity is not *mounted*, nor is a cavity *designed* to conform to anything. In fact, Mola’s overhead console appears completely conventional, and is therefore cannot be specifically “designed to conform to the shape of the navigation device.” Furthermore, the docking station described in the specification and claimed in the claims is a tangible physical object. *See* Pages 25-

26, and Item 200k of Figure 22, of the specification. In contrast, a cavity is not a tangible physical object, nor can it be analogous to one. Thus, Mola's cavity cannot anticipate this limitation. As a result, Mola does not anticipate the currently pending claims and the present rejections cannot be sustained.

With regard to claim 4, the Examiner also asserts that Mola's door 22 is analogous to the claimed "a retractable face plate mounted within the docking station." Page 4 of the July 19, 2007 Final Office Action. However, such a position is inconsistent with the position the Examiner has taken with respect to claim 1. Specifically, the only position in which Mola's door is mounted *within* his cavity is when the door is closed. In this position, Mola's navigation device would be hidden, as is his explicit purpose, and therefore the Examiner's interpretation of Mola cannot meet the limitations of claim 4, much less in combination with the limitations of claim 1.

Claim 6 recites "wherein the docking station includes a speaker." The Examiner acknowledges that Mola fails to teach this limitation. Page 6 of the March 9, 2007 Office Action. In an attempt to cure this defect, the Examiner points to Funk's teaching of a possible speaker in his hand-held unit 42. However, neither prior art reference teaches a speaker *in a docking station*, as claimed. Thus, the Examiner has failed to cite a reference that teaches this limitation. As a result, the present rejection cannot be sustained.

In response, the Examiner asserts that "the headphones of Funk would most likely be enclosed within the docking station." However, this assertion is entirely unsupported. Funk teaches a removable faceplate, which is primarily designed as part of an in-dash vehicle stereo and navigation system. Such an in-dash system would certainly use speakers mounted throughout the vehicle, rather than any including with any docking station. Additionally, those speakers would not be part of his faceplate. Furthermore, in column 5, lines 19-20, Funk teaches "[t]he speaker (not shown) may be either a built-in speaker or may be a headphone or ear bud." The "built-in speaker" Funk refers to can only be traditional speakers mounted throughout the vehicle, but that would not be part of any docking station or his faceplate. Finally, headphones or an ear bud could not possibly be enclosed within his docking station, or dashboard receptacle, as it is designed to tightly accept his

faceplate, leaving no room for the addition of headphones or an ear bud. Therefore, the Examiner's assertion is unsupported.

In summation, neither Mola nor Funk teaches "wherein the docking station includes a speaker," as claimed in claim 6. For example, the Examiner asserts that Mola's cavity is analogous to the claimed docking station. However, nowhere does Mola teach his cavity including a speaker. Similarly, Funk's only component that might be analogous to the claimed docking station is his dashboard receptacle. However, nowhere does Funk teach his dashboard receptacle including a speaker. Rather, Funk teaches traditional speakers mounted throughout the vehicle or external headphones. As a result, no combination of Mola and Funk discloses, suggests, or makes obvious "wherein the docking station includes a speaker," as claimed in claim 6.

Claim 23 recites "wherein the support pillar runs along and directly above the vehicle's windshield." Claim 26 recites "wherein the support pillar is a pillar directly above and runs along the vehicle's windshield." Nothing in Mola suggests mounting anything to a support pillar running "along the vehicle's windshield." As a result, Mola does not anticipate the currently pending claims and the present rejections cannot be sustained.

In response, the Examiner argues that "the width of Mola's base 12 is substantially parallel to the width of the windshield." Page 4 of the July 19, 2007 Final Office Action. While that is certainly true, it does not meet the limitations of the currently pending claims. For example, the Encarta® World English Dictionary, North American Edition defines 'along' as "parallel with." Merriam-Webster's Online Dictionary, 10th Edition, defines 'along' as "in a line matching the length or direction of." The American Heritage® Dictionary of the English Language defines 'along' as "[o]n a line or course parallel and close to; continuously beside." These definitions are consistent with the description in the specification, illustration in the drawings, and usage in the claims. Figure 19 is particularly illustrative.

One of ordinary skill in the art, armed with these definitions, would expect that the term "runs along" refers to the longest axis of each his object. Here, the Examiner refers to the width of Mola's console, which is clearly not its longest axis, and the width of a windshield, which would

clearly be the longest axis of the windshield. Thus, rather than running along, or parallel as the term is best understood, one with ordinary skill in the art would describe the relationship shown in Mola as perpendicular. Thus, one with ordinary skill in the art would not consider Mola's console to "run along" "the vehicle's windshield, as claimed. As a result, Mola does not disclose, suggest, or make obvious the currently pending claims.

The remaining claims all depend directly or indirectly on claims 1 or 24, and are therefore also allowable.

Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 501-791. In view of the foregoing, a Notice of Allowance appears to be in order and such is courteously solicited.

Respectfully submitted,

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